

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
OFFICE OF FINANCIAL AND INSURANCE SERVICES
Before the Commissioner of Financial and Insurance Services

In the matter of

XXXXX

Petitioner

File No. 86318-001

v

Union Security Insurance Company
Respondent

Issued and entered
this 23rd day of January 2008
by Ken Ross
Acting Commissioner

ORDER

I

PROCEDURAL BACKGROUND

On December 7, 2007, XXXXX, the authorized representative of XXXXX (Petitioner), filed a request for external review with the Commissioner of Financial and Insurance Services under the Patient's Right to Independent Review Act, MCL 550.1901 *et seq.* XXXXX is Petitioner's dentist. The Commissioner reviewed the information and accepted the request on December 18, 2007.

The Commissioner notified Union Security Insurance Company of the external review and requested the information used in making its adverse determination. The company provided its information on December 18, 2007.

The issue here can be decided by an analysis of the Petitioner's dental care policy. The Commissioner reviews contractual issues pursuant to MCL 550.1911(7). This matter does not require a medical opinion from an independent review organization.

II

FACTUAL BACKGROUND

The Petitioner has dental care coverage under a group plan underwritten by Union Security

Insurance Company. The Petitioner suffered a fractured tooth that was not restorable with a routine filling. On March 15, 2007 the tooth was repaired. The dentist submitted a claim for \$800.00 for the services. Respondent paid \$144.00. Petitioner felt that more should be paid and appealed. Respondent maintained its denial and issued a final adverse determination on October 19, 2007.

III ISSUE

Is Union correct in denying coverage for the Petitioner's dental work?

IV ANALYSIS

Petitioner's Argument

The Petitioner's authorized representative argues that, due to the Petitioner's young age, they chose a porcelain 3-surface inlay restoration. The Petitioner believes that Union should provide greater coverage.

Union Security Insurance Company's Argument

Union says that under the terms of Petitioner's policy, inlays and onlays are limited to an alternate benefit based on the benefit allowance for the corresponding amalgam restoration and subject to all limitations listed under amalgam restorations.

Class II: Basic Dental Services – (Restorative)

- Amalgam restoration, limited as follows:
Benefits for restorations on three or more surfaces will be based on the benefit allowed for the corresponding two surface restoration.

* * *

Class III: Major Dental Services

- Inlays and onlays, limited as follows:
Benefits for inlays and onlays will be based on the benefit allowed for the corresponding amalgam restoration and will be subject to all limitations listed under amalgam restorations.

Union states that the payment they issued was based on the benefit limit for an amalgam restoration. Respondent says no additional benefits are payable for this service.

Commissioner's Review

The Commissioner has considered the arguments of both parties and reviewed the provisions of the Petitioner's policy. Only limited coverage is provided for inlays and onlays under the Class III: Major Dental Services. The Commissioner understands the value of preserving as much of the Petitioner's natural tooth as possible but, in deciding this case, is bound by the terms and conditions of the Petitioner's policy. The Commissioner finds that Union processed the claims correctly and denied additional coverage according to the terms and conditions of the Petitioner's policy.

**V
ORDER**

The Commissioner upholds Union Security Insurance Company's adverse determination of October 19, 2007.

This is a final decision of an administrative agency. Under MCL 550.1915, any person aggrieved by this Order may seek judicial review no later than sixty days from the date of this Order in the Circuit Court for the county where the covered person resides or in the Circuit Court of Ingham County. A copy of the petition for judicial review should be sent to the Commissioner of the Office of Financial and Insurance Services, Health Plans Division, Post Office Box 30220, Lansing, MI 48909-7720.